



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Discussion and Possible Action Regarding the Proposed Large-Scale Retail Initiative and Request by the Small City Preservation Committee for the Council to Place the Measure on the November 2, 2004 Ballot, with the Exclusion of the Reference to Outside Retail Areas

MEETING DATE: June 2, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council discuss and take action if desired regarding the proposed Large-Scale Retail Initiative and request by the Small City Preservation Committee for the Council to place the measure on the November 2, 2004 ballot, with the exclusion of the reference to outside retail areas.

BACKGROUND INFORMATION: This item appears on the agenda at the request of Mayor Hansen.

On March 17, 2004, Council voted to add Chapter 17.58 to the Lodi Municipal Code regarding design standards for large retail establishments. At this meeting, lengthy public comment and discussion occurred pertaining to the proposed Wal-Mart Supercenter project and the topic of large retail establishments in general.

On April 7, 2004, Council considered the following agenda item: *Discussion and appropriate action regarding 1) placing a ballot measure establishing "Big-Box" size limits on the November 2, 2004, ballot; 2) establishing a "Big-Box" size limit for the ballot measure; and 3) placing a moratorium on "Big-Box" retail pending the results of a November 2, 2004 ballot measure.* Lengthy public comment and discussion also occurred at this meeting pertaining to the proposed Wal-Mart Supercenter project and the topic of large retail establishments in general. Pages 11 and 12 (**Exhibit A**) of the minutes for this meeting contain the motion(s) and vote related to this item.

On May 19, 2004, under Item F, Comments by the Public on Non-Agenda Items, Betsy Fiske, Chair of the Small City Preservation Committee, submitted a document (**Exhibit B**) outlining four choices for Council to consider regarding the proposed Large-Scale Retail Initiative. In addition, a copy of the petition was submitted (**Exhibit C**) highlighting four identical sentences in the proposed text of the measure: "For the purposes of this subsection, the term 'gross floor area' shall include outside retail areas." The Committee suggests (in choice 3) that this language be omitted and that Council (in accordance with California Elections Code Section 9222) place the measure on the November 2, 2004 ballot. Following discussion, Mayor Hansen asked that the Committee's request be placed on the June 2, 2004 City Council agenda.

FUNDING: Dependent upon action.

Susan J. Blackston, City Clerk

SJB/jmp
Attachments

APPROVED:

G. Dixon Flynn, City Manager

This in fact did take place, and there was no further opposition. He asked Council and the public to consider what the real issues are. He found it ironic that eight years ago Council was considering whether to place a *minimum* size of 50,000 square feet on retail establishments in what was then called the "Four Corners" shopping center. Mr. Land stated that he would support a moratorium if the initiative qualifies for the ballot, but in the meantime projects should be allowed to move forward through the process.

Mayor Pro Tempore Beckman noted that shortly after he asked that this item be placed on the agenda, the Small City Preservation Committee filed its intent to circulate a petition. He had suggested a size limit of 60,000 square feet; however, the Committee believed it to be too extreme. He originally saw this as an opportunity for Lodi to define itself as a small town. He believed the 100,000 square foot size limit was not the right choice, and that the requirement for any business over that size to first go through a public vote is bad business. Mr. Beckman stated that he would oppose the ballot initiative.

Council Member Hitchcock reported that Wal-Mart is the largest political action committee in the United States. It has contributed to 49% of all of the sitting legislators on the federal level. Wal-Mart had the largest corporate profit in the United States last year at \$245 billion. Ms. Hitchcock noted that they have the potential to make an impact, and she is trying to explore whether it is positive or negative. She expressed a desire to have more information on analysis by cost benefits to the City. She supported the matter going to a public vote through the initiative process and placing a moratorium on projects until the election results are known. She expressed concern about the added expense of conducting a special election.

In answer to Council Member Hitchcock, City Clerk Blackston explained that if the initiative proponents are successful in obtaining signatures from 15% (3,950) or more of the registered voters in the City of Lodi, it would qualify for a special election to be held not less than 88 days nor more than 103 days after the date the Council orders the election; whereas, 10% (2,634) would qualify the petition for the next regular election. She noted that the initiative proponents have 180 days from the date of receipt of the ballot title and summary to collect the signatures.

In response to Council Member Hitchcock, Interim City Attorney Schwabauer reported that there is case law that indicates a moratorium can only apply to the final act of project approval.

Mayor Hansen did not think that government should interfere with the free enterprise system. He pointed out that Food for Less is building the Rancho San Miguel Market on the east side, which will compete with smaller businesses near that location. Now that a store may compete with Food for Less it has an issue with the size, etc. He recalled that when Food for Less first came to Lodi no one thought it was the City's obligation to protect the jobs of employees of existing grocery stores. He believed that large retail projects should be allowed to continue through the process with final approval contingent upon the outcome of the vote. He suggested that whether or not the required number of signatures are obtained by the initiative proponents, the matter should go before a vote of the people in November.

MOTION #1:

Council Member Hitchcock made a motion, Hansen second, that Council *not* place a measure establishing big-box size limits on the November 2, 2004, ballot, but to support citizens bringing forward an initiative.

DISCUSSION:

Interim City Attorney Schwabauer believed it was premature of Council to make a decision about the proposed initiative prior to it being filed and verified.

Mayor Pro Tempore Beckman and Council Members Howard and Land expressed agreement with Mr. Schwabauer's statement.

VOTE

The motion **failed** by the following vote:

Ayes: Council Members – Hitchcock and Mayor Hansen

Noes: Council Members – Beckman, Howard, and Land

Absent: Council Members – None

MOTION #2

Council Member Hitchcock made a motion, Beckman second, to impose a moratorium on final approval for big-box retail (100,000 square feet or greater) until voters take a position on the issue at an election, for which the citizen initiative qualifies.

DISCUSSION:

Mayor Hansen asked if the initiative passed, whether it would prevent the expansions of existing businesses.

Mr. Schwabauer answered in the affirmative, explaining that when an existing business applies for a permit, it would lose its grandfather status.

Community Development Director Bartlam agreed, noting that the planned Target expansion, which is anticipated to be ready for approval prior to November, would be delayed or prevented from occurring if the initiative passed. The motion under consideration would allow processing of the application to continue; however, it would not be scheduled for a hearing. In his opinion the initiative would *not* affect the proposed remodel and expansion of the Raley's or Lakewood Mall because neither has over 100,000 square foot uses. It *would* effect the application for the Target expansion and proposed Wal-Mart Supercenter.

RECESS

At 9:07 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 9:20 p.m.

I. REGULAR CALENDAR (Continued)

I-5 Interim City Attorney Schwabauer stated that pursuant to Government Code §65858, in order to adopt an interim ordinance Council must make a finding that there is a current and immediate threat to the public health, safety, or welfare and that the approval of additional subdivision, use permits, variances, building permits, or any other applicable entitlement for use, which is required in order to comply with a zoning ordinance, would result in that threat to public health, safety, or welfare. He suggested that Council allow him an opportunity to come back with draft language for the interim ordinance and recommended that it be considered following a public hearing. He noted that an interim ordinance requires a 4/5 vote to pass.

Mayor Pro Tempore Beckman **withdraw** his second, and the motion **died** for lack of a second.

In answer to Mayor Hansen, Mr. Bartlam explained that approvals on projects are final at the Planning Commission level unless appealed to the City Council. Staff would not schedule a public hearing before the Planning Commission if a moratorium was in place because there would be no point in holding a public hearing without the ability to take final action.

Discussion ensued on various scenarios and timelines to qualify a petition for the November ballot or for a special election.

filed 5-19-04

EXHIBIT B

May 19, 2004

Perceived Four Choices for Lodi's Sensible Scale and Character Initiative

1) The initiative is placed on the ballot as is, with the City acknowledging that the intention of the Small City Preservation Committee is that it does not apply to car dealerships and, if it passes, advising the Community Development Director of same, 2) the initiative is placed on the ballot as is and any retail businesses over 125,000 sq. ft., including car dealerships, would require voter approval, 3) which is our preference, the City amends the language of our initiative to exclude "outside retail areas" and places it as a measure on the ballot, or 4) and most undesirable, our group has the language amended and we start all over again, collecting signatures, and proceed to a special election which will cost upwards of \$92,750. That's \$3.50 per voter for all 26,500 plus registered voters in Lodi, according to the County Registrar's office.

Betsy Fiske

Chairwoman, Small City Preservation Committee

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE: LARGE-SCALE RETAIL INITIATIVE

Summary by City Attorney: The Large-Scale Retail Initiative is a land use initiative containing amendments to the Lodi General Plan and the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code). The Initiative would amend the Lodi Zoning Ordinance to impose a maximum size limitation of 125,000 square feet in gross floor area on retail structures within any zoning district in the City of Lodi. The Initiative defines the term "gross floor area" to include outside retail areas. The Initiative also adds twenty-one recitals to the Zoning Ordinance. Under the Initiative, proposals for retail structures in excess of the size limitations would be subject to both review and approval by the City Council and approval by the voters at a general election. In considering the proposed project, the City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, the proposed project would then be submitted to the voters at a general election. The Initiative also adds provisions to the Lodi General Plan requiring compliance with and concerning implementation of this approval process. The Initiative prohibits the City Council from granting variances to the size limitations. Costs incurred by the City in conducting an election held for the purpose of approving a proposed retail structure in excess of the size limitations established by the Initiative would be borne by the applicant for the project unless prohibited by law. The Initiative states that such elections shall be consolidated with other elections if feasible and permits multiple proposals on a single ballot so long as each proposal affecting a discrete property or development project is listed as a separate measure. The Initiative directs that any amendments to the Lodi Planning and Zoning Code adopted after April 16, 2004 that are inconsistent with the Zoning Ordinance amendments contained in the Initiative be amended as soon as possible to be consistent with the Initiative. The Initiative also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives and policies of the Initiative. The Initiative states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. The Initiative states that it shall be interpreted broadly to achieve the purposes stated in the Initiative, and also that it shall be interpreted to be consistent with state and federal law.

TEXT OF PROPOSED MEASURE:

NOW, THEREFORE, the City of Lodi hereby ordains that: The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code, Districts and Map) is amended by the addition of 17.06.050(D), which shall read as follows:

"Retail structures in any district established by this title shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of the following Sections 17.36.035, 17.36.036, 17.39.035, 17.39.036, 17.30.045, 17.30.046, which include but shall not be limited to these applicable districts.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.36.035, which shall read as follows:

"Retail structures in the C-1 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.39.035, which shall read as follows:

"Retail structures in the C-2 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.30.045 which shall read as follows:

"Retail structures in the C-S district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Sections 17.36.036, 17.39.036, 17.30.046, and 17.06.051 which shall read as follows:

"Nothing in this Chapter shall give the City Council the authority to grant a variance from the provisions of 17.36.035, 17.39.035, 17.30.045, and 17.06.050(D) relating to the maximum size of retail structures in any district established by this title, including but not limited to the C-1, C-2, and C-S Districts."

The Lodi General Plan is amended by the addition of Policy 7 to Goal A which shall read as follows:

"The City shall promote preservation of Lodi's small-town and rural qualities by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The Lodi General Plan is further amended by the addition of Policy 6 to Goal D which shall read as follows:

"The City shall promote and support Lodi's downtown development by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The Lodi General Plan is further amended by the addition of Policy 7 to Goal E which shall read as follows:

"The City shall support commercial use development to provide goods and services to Lodi residents and market area by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The City of Lodi's General Plan is hereby amended to add the following Implementing Policy, Policy 17, to read as follows:

"The City shall prepare and implement the requirement for City Council and public voter approval of retail structures in excess of 125,000 square feet in gross floor area in any district established by Lodi's General Plan and Zoning Ordinance."

To the Honorable Clerk of the City of Lodi: We, the undersigned, registered and qualified voters of the City of Lodi, hereby propose an initiative measure to amend the City of Lodi's Zoning Ordinance, Lodi Municipal Code, Title 17; and General Plan. We petition you to submit this measure to the City Council for adoption without change, or for the submission to the voters of the City of Lodi at the earliest regular or special election for which it qualifies.

NOTICE OF INTENTION TO CIRCULATE PETITION

NOTICE IS HEREBY GIVEN by the persons whose names appear hereon of their intention to circulate the petition within the City of Lodi. The measure provides as follows:

Lodi's Sensible Scale and Character Initiative

The people of the City of Lodi do hereby ordain as follows:

Section 1. Purpose and Findings.

- A. **Purpose.** The purpose of this Initiative is to protect and preserve the existing community character and fabric, and promote the continuation of neighborhood/community commercial centers and the downtown commercial center. Also, the purpose of this Initiative is to ensure that the purposes and principles set forth in the City of Lodi's General Plan are fully considered by establishing sensibly scaled retail development and maintenance of the City of Lodi's unique character. This action recognizes that large-scaled retail stores affecting the city shall be subject to approval by the City Council and a public vote.
- B. **Findings.** The people of the City of Lodi find that regulating size and bulk of retail stores, through this initiative, promotes the welfare, economy, and quality of life of the residents of Lodi, based upon the following:

1. Regulating Scale of Retail Stores Protects the Unique Character and Quality of Life in Lodi

An important component of the City of Lodi is maintaining its unique character. Lodi's small-town and rural qualities are a valuable trait of the town. Large-scale retail stores detract from the community's character and aesthetics. Large retail stores are usually located some distance away from residential neighborhoods because they require large sites, which are usually found only in zones outside of the downtown area. Large-scale retail often consists of long, plain facades, a sea of parking, and sparse landscaping. The unique character of the City of Lodi and the quality of life enjoyed by City residents and visitors depend on the protection of the small-town and rural qualities. The protection of such attributes aids the continued viability of the city and brings mental and physical benefits from the broad protection of Lodi residents' quality of life.

2. Strengthening Lodi's Economy.

It is important to have sensibly scaled retail stores in order to continue to strengthen and sensibly develop Lodi's existing economy. Lodi has a number of shopping centers providing the community with merchandise and services. Large-scale retail stores affect existing shopping centers by causing the existing stores to go out of business, thus destabilizing the shopping centers, and leaving empty, boarded-up buildings, which increase crime and blight. The surrounding area loses the merchandise and services offered by the existing businesses. Sometimes a large-scale retail company will close down an existing store, and replace it with a superstore, which also results in a large, empty store.

3. Ensuring Adequate Public Services for the City.

There are negative impacts to not having sensibly scaled retail stores, including safety. Large-scale retail stores require significantly higher commitment of police, fire, and public safety resources compared to smaller neighborhood stores. Usually large-scale stores fail to provide provisions for the pedestrians entering the store. It is often dangerous even to walk from the parking lot to the entrance of the store, with cars driving and maneuvering in the very large parking area. The larger stores usually involve longer trips and generate more traffic in a concentrated area, and thus require improved street capacity in their immediate neighborhoods. The elderly, handicapped, and poor, who may not have access to larger retail stores because they are located at greater distances away from their neighborhoods due to the large land acquisition requirements of the larger retail stores.

- C. **Effect of Initiative.** To achieve the above-stated purposes, this Initiative would amend the City of Lodi's Ordinance and General Plan to establish a limit on large-scale retail stores that exceed 125,000 square feet of gross floor area. Also, it would require that any large-scale retail project proposal containing commercial retail structures that exceed 125,000 square feet of gross floor area be subject to approval by the City

City Council and a public vote in the next general election.

Exhibits. This Initiative does not have any exhibits attached but relies upon the design standards for large-scale stores recently adopted by the City.

Section 2. Zoning Ordinance and General Plan Amendments.

Whereas, the Lodi General Plan establishes a policy framework that forms the City of Lodi's strategy for retail; and

Whereas, the Lodi General Plan and Zoning Ordinance recognize distinct types of shopping centers such as neighborhood/community commercial; general commercial; commercial shopping center; and downtown commercial; and

Whereas, the Lodi General Plan establishes policies encouraging promoting downtown Lodi as the City's social and cultural center and an economically viable retail and professional office district, it promotes locating future commercial retail in downtown Lodi and preserving the existing small-town scale and character of Lodi; and

Whereas, General Plan policies promote and encourage vital neighborhood commercial districts that are evenly distributed throughout the city so that residents are able to meet their basic daily shopping needs at neighborhood shopping centers; and

Whereas, the California Government Code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

Whereas, the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) has not kept pace with the evolution of the retail sector and fails to adequately distinguish the size, scale and scope of various retail activities; and

Whereas, an emerging national trend exists toward increasing the size of retail stores and the diversity of products offered at such large-scale retail stores; and

Whereas, the establishment of large-scale retail stores in Lodi is likely to negatively impact the vitality and economic viability of the city's neighborhood community commercial and downtown commercial centers by drawing sales away from traditional retail stores located in these centers; and

Whereas, large-scale retail stores adversely affect the viability of small-scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these areas; and

Whereas, given the city's current population of 60,000, there are currently adequate retail stores to support the market for large-scale retail; and

Whereas, the proposed amendments to the Zoning Ordinance and General Plan are intended to preserve the city's existing neighborhood-serving shopping centers that are centrally located within the community; and

Whereas, this distribution of shopping and employment creates a land use pattern that reduces the need for vehicle trips and encourages walking and biking for shopping, services, and employment; and

Whereas, a significant concern with large-scale retail stores is that they combine neighborhood-serving retail in a more remote, regional-serving retail center which would result in the decline of neighborhood-serving retail stores by consolidating their activity in a single, outlying location; and

Whereas, the remote location of large-scale retail stores means that local residents are forced to drive further for basic services such as groceries, and are forced to take longer and more frequent traffic trips to the regional commercial center to satisfy basic everyday needs, increasing overall traffic and overburdening streets that were not designed to accommodate such traffic; and

Whereas, the proposed amendments to Lodi's Zoning Ordinance and General Plan, by limiting large-scale retail stores, will prevent the negative transportation and related air quality impacts that establishment of such stores is likely to have; and

Whereas, numerous local jurisdictions in the country and the State of California, taking all of the above considerations in mind, have enacted ordinances on new large retail stores over a certain size that either completely prohibit new retail stores over a certain size or require special impact studies; and

Whereas, California jurisdictions that have recently enacted such regulations to help sustain the vitality of small-scale, more pedestrian-oriented neighborhood shopping districts include the Cities of Turlock, Santa Maria, San Luis Obispo, Arroyo Grande, Oakland and Martinez; and

Whereas, a potential discount superstore would directly contravene the approach the City's General Plan established for retail; and

Whereas, the proposed regulations will place stricter controls on the establishment of, or conversion to large-scale stores and would prevent large-scale retail store with potential negative environmental impacts from being established in Lodi, but will not itself generate environmental impacts or necessitate environmental review; and

Whereas, the adoption of these regulations does not approve any development project nor does it disturb the physical environment either directly or indirectly as the regulations modify the limitations of land use by limiting large-scale retail stores that exceed 125,000 square feet of gross floor area and require such projects be approved by the City Council and the citizens' votes in the next general election; and

Whereas, requiring voter approval of land use development of large-scale retail stores that exceed 125,000 square feet of gross floor area will ensure opportunities for full public participation in decisions affecting future land use, quality of life, and character of the City of Lodi.

Section 3. Implementation.

- A. **Effective Date.** As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Lodi's Planning and Zoning Code and General Plan as an amendment thereof.
- B. **Interim Amendments.** The City of Lodi's Zoning Code in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Lodi Elections Official on April 16, 2004 ("Submittal Date"), and the ordinances as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City of Lodi. In order to ensure that the City of Lodi's Planning and Zoning remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voter in enacting this Initiative are given effect, any provision of the Planning and Zoning Code that is adopted between the Submittal Date and the date that the Planning and Zoning Code is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the Planning and Zoning Code provisions adopted by Section 2 of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the City's Planning and Zoning Code.
- C. **Other City Ordinances and Policies.** The City of Lodi is hereby authorized to amend the Planning and Zoning Code, other ordinances, the General Plan, and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between goals, objectives and policies adopted in Section 2 of this Initiative and other elements of the City's Planning and Zoning Code, General Plan, all community and specific plans, and other City ordinances and policies.

Section 4. Exemptions for Certain Projects.

This Initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

Section 5. Elections.

Except for the renewal or repeal of this Article, any direct or indirect costs to the City of Lodi caused by the elections mandated by this Article shall be borne by the applicants for the large-scale development project in excess of 125,000 square feet, unless otherwise prohibited by state law. Elections mandated by this Article shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

Section 6. Severability and Interpretation.

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

Section 7. Amendment or Repeal.

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Lodi.

Elizabeth M. Fiske

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Lodi, CA 95240

Glenda Hesseltine

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Lodi, CA 95240

Walter Pruss

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Lodi, CA 95242

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE: LARGE-SCALE RETAIL INITIATIVE

Summary by City Attorney: The Large-Scale Retail Initiative is a land use initiative containing amendments to the Lodi General Plan and the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code). The Initiative would amend the Lodi Zoning Ordinance to impose a maximum size limitation of 125,000 square feet in gross floor area on retail structures within any zoning district in the City of Lodi. The Initiative defines the term "gross floor area" to include outside retail areas. The Initiative also adds twenty-one recitals to the Zoning Ordinance. Under the Initiative, proposals for retail structures in excess of the size limitations would be subject to both review and approval by the City Council and approval by the voters at a general election. In considering the proposed project, the City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, the proposed project would then be submitted to the voters at a general election. The Initiative also adds provisions to the Lodi General Plan requiring compliance with and concerning implementation of this approval process. The Initiative prohibits the City Council from granting variances to the size limitations. Costs incurred by the City in conducting an election held for the purpose of approving a proposed retail structure in excess of the size limitations established by the Initiative would be borne by the applicant for the project unless prohibited by law. The Initiative states that such elections shall be consolidated with other elections if feasible and permits multiple proposals on a single ballot so long as each proposal affecting a discrete property or development project is listed as a separate measure. The Initiative directs that any amendments to the Lodi Planning and Zoning Code adopted after April 16, 2004 that are inconsistent with the Zoning Ordinance amendments contained in the Initiative be amended as soon as possible to be consistent with the Initiative. The Initiative also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives and policies of the Initiative. The Initiative states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. The Initiative states that it shall be interpreted broadly to achieve the purposes stated in the Initiative, and also that it shall be interpreted to be consistent with state and federal law.

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. THE USE OF YOUR SIGNATURE FOR ANY PURPOSE OTHER THAN QUALIFICATION OF THIS MEASURE FOR THE BALLOT IS A MISDEMEANOR. COMPLAINTS ABOUT THE MISUSE OF YOUR SIGNATURE MAY BE MADE TO THE SECRETARY OF STATE'S OFFICE.

All signers of this petition must be registered to vote in the City of Lodi.

Sign Name 1	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 2	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 3	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 4	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 5	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 6	Residence Address Only	For Clerks Use Only
Print Name	City	

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The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE: LARGE-SCALE RETAIL INITIATIVE

Summary by City Attorney: The Large-Scale Retail Initiative is a land use initiative containing amendments to the Lodi General Plan and the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code). The Initiative would amend the Lodi Zoning Ordinance to impose a maximum size limitation of 125,000 square feet in gross floor area on retail structures within any zoning district in the City of Lodi. The Initiative defines the term "gross floor area" to include outside retail areas. The Initiative also adds twenty-one recitals to the Zoning Ordinance. Under the Initiative, proposals for retail structures in excess of the size limitations would be subject to both review and approval by the City Council and approval by the voters at a general election. In considering the proposed project, the City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, the proposed project would then be submitted to the voters at a general election. The Initiative also adds provisions to the Lodi General Plan requiring compliance with and concerning implementation of this approval process. The Initiative prohibits the City Council from granting variances to the size limitations. Costs incurred by the City in conducting an election held for the purpose of approving a proposed retail structure in excess of the size limitations established by the Initiative would be borne by the applicant for the project unless prohibited by law. The Initiative states that such elections shall be consolidated with other elections if feasible and permits multiple proposals on a single ballot so long as each proposal affecting a discrete property or development project is listed as a separate measure. The Initiative directs that any amendments to the Lodi Planning and Zoning Code adopted after April 16, 2004 that are inconsistent with the Zoning Ordinance amendments contained in the Initiative be amended as soon as possible to be consistent with the Initiative. The Initiative also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives and policies of the Initiative. The Initiative states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. The Initiative states that it shall be interpreted broadly to achieve the purposes stated in the Initiative, and also that it shall be interpreted to be consistent with state and federal law.

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. THE USE OF YOUR SIGNATURE FOR ANY PURPOSE OTHER THAN QUALIFICATION OF THIS MEASURE FOR THE BALLOT IS A MISDEMEANOR. COMPLAINTS ABOUT THE MISUSE OF YOUR SIGNATURE MAY BE MADE TO THE SECRETARY OF STATE'S OFFICE.

All signers of this petition must be registered to vote in the City of Lodi.

Sign Name 7	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 8	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 9	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 10	Residence Address Only	For Clerks Use Only
Print Name	City	

DECLARATION OF CIRCULATOR

I, _____ residing at _____, circulated the petition and witnessed the appended signatures being written. That according to the best information and belief each signature is the genuine signature of the person whose name it purports to be. I declare that I am a voter or am qualified to register as a voter of the state. The signatures were obtained between _____, 20____, and _____, 20____. I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed by me at _____, on _____, 20____.

(Signature of Circulator)

ITEM I-4

All of the attached communications pertain to the issue of the Large-Scale Retail Initiative

and were received subsequent to Council Members' mail delivery on
Tuesday, June 1, 2004.

*(Excerpt from City Clerk's procedure for handling Council Communication –
related to the definition of "Blue Sheets".)*

"Blue Sheets"

Communication to the City Council pertaining to an item on the current agenda that was received after the last mail delivery to Council Members, is copied on blue paper with the corresponding agenda item number identified at the top right corner. This communication is placed on the Council dais alongside the agenda for review by Council Members prior to the item discussion. Blue sheets are also distributed to the City Manager, City Attorney, other affected departments, the press table, and are included in the "blue sheet" binder on the public information table in the Carnegie Forum on the day of the meeting.

Jennifer Perrin

From: Susan Blackston
Sent: Wednesday, June 02, 2004 2:55 PM
To: 'Sue and Olen McCombs'
Cc: City Council; Dixon Flynn; Rad Bartlam; Steve Schwabauer
Subject: RE: BIG BOX INITIATIVE

Dear Sue McCombs:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: Sue and Olen McCombs [mailto:olen-sue@softcom.net]
Sent: Wednesday, June 02, 2004 2:50 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: BIG BOX INITIATIVE

Just a couple of comments on your decision whether the City Council puts the Big Box Initiative on the ballot for November.

Let's face it, this is not an anti "Big Box" initiative. It is an anti "Wal Mart" initiative. The city will be taking sides and appearing to throw support totally behind the vote to ban Wal Mart. Just changing this to exclude car dealerships really narrows it down, is not fair to other businesses and causes great problems for those who might want to expand or build in Lodi in the future. That is why we have a planning commission.

Wal Mart parking lot is overcrowded and the store congested and will be more so as the Lodi population grows. Now we will have 1700 more homes just south of Wal Mart and more on the east side but no one talks about "keeping Lodi small" when it comes to that. If you take half of the people in all these new homes and assume they might shop at Wal Mart and other stores in that area, we are going to need adequate space.

Another point is that should this committee be successful in defeating "big-box" in general, there is the possibility that Wal-Mart might build in northwest Stockton. If that is the case, you would see a great number of Lodi and Rio Vista shoppers head there to a beautiful, roomy place to shop. We have had to drive to Stockton for years to Home Depot and Lowes for supplies that cannot be found at Orchard, so it is logical that we would drive a few miles to shop in a more convenient, clean and modern Wal Mart. And there goes more tax money!

Thanks for letting me have my say again.

Sue McCombs

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, June 02, 2004 8:45 AM
To: 'Gary Hanna'; Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: wal-mart supercenter

Dear Gary & Sharon Hanna:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Gary Hanna [mailto:thundrrd326@msn.com]
Sent: Wednesday, June 02, 2004 8:42 AM
To: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Subject: wal-mart supercenter

Dear Honorable City Council

This letter is in regards to the Wal-Mart supercenter store to be built.

1) I don't feel the council should be involved in drafting any thing that has to do with a legal challenge as you are setting a precedent and will make it something that any time someone has an issue, they will expect the city to pay legal cost.

2) I also don't see how you can separate one type of business from another concerning square footage. Either, allow the project or not. Don't play favorites.

3) If we need to bring everything to a vote to make a decision on projects, why do we need a city council ?? lets just pass ballots out and vote on everything.

Thank You
Gary & Sharon Hanna
708 Lincoln St
Lodi, Calif. 95242

Watch the online reality show Mixed Messages with a friend and enter to win a trip to NY
<http://www.msnmessenger-download.click-url.com/go/onm00200497ave/direct/01/>

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, June 02, 2004 8:29 AM
To: 'Eileen St Yves'; Emily Howard; Susan Hitchcock; John Beckman; Keith Land; Larry Hansen
Cc: Janet Keeter; Dixon Flynn; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: 6-2-04 Agenda

Dear Eileen St.Yves:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Eileen St Yves [mailto:emstyves@softcom.net]
Sent: Wednesday, June 02, 2004 8:09 AM
To: Emily Howard; Susan Hitchcock; John Beckman; Keith Land; Larry Hansen
Cc: Janet Keeter; Dixon Flynn
Subject: 6-2-04 Agenda

Members of the Council and Staff,

Food for thought;

If you have a moment and yesterdays Sentinel (6-1-04

Please read the headline, Council could decide fate of Wal-Mart drive, City budget that may sl jobs to be discussed also. First word in article "Doomsday" depending solely upon your decis

You cannot have it both ways. Kill the business, and terminating jobs is a guarantee. Allowing a small group with out verification of signatures to decide the fate of other peoples' income is shameful.

We will be making our "contribution" to the state for three budget years at least. This community is 35,000 people too late to keep it's small town flavor.

Eileen St.Yves
368-2111

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, June 02, 2004 10:11 AM
To: 'Ed and Sue Leveroni'; Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: June 2nd Meeting

Dear Susan Leveroni:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Ed and Sue Leveroni [mailto:edandsue@softcom.net]
Sent: Wednesday, June 02, 2004 9:59 AM
To: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Subject: June 2nd Meeting

City Council members: Please vote tonight on putting a measure on the November ballot regarding the size of buildings (re: Wal-Mart) in Lodi. The citizens of Lodi deserve to vote on this measure. We don't need you to waste any more of our money. Past mistakes have taken their toll on us already. Thank you. Susan Leveroni (Lodi citizen)

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, June 02, 2004 8:09 AM
To: 'Betfiske@pacbell.net'; City Council
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: FW: Wal-Mart's Annual Meeting 6/4 Shareholders Question

Dear Betsy Fiske:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Betsy Fiske [mailto:betfiske@pacbell.net]
Sent: Tuesday, June 01, 2004 8:59 PM
To: Larry Hansen; John Beckman; Emily Howard; Keith Land; Susan Hitchcock
Subject: Wal-Mart's Annual Meeting 6/4 Shareholders Question

The attached link is to an article about "Who's sharing in Wal-Mart's success?" a question that shareholders will be asking Wal-Mart executives at the annual meeting held in Fayetteville, Arkansas on June 6th, 2004.

The question is being raised by Responsible Wealth, a network of affluent Americans who are concerned with the growing wealth divide in America and promote widely shared prosperity.

The article contains some very important information for the Lodi community and I hope that you'll take the time to read it before tomorrow night's city council meeting.

Thank you.
Betsy Fiske

<http://www.commondreams.org/news2004/0528-04.htm>

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, June 02, 2004 8:06 AM
To: 'famoster'; Susan Hitchcock; Keith Land; Larry Hansen; John Beckman; Emily Howard
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: Wal Mart

Dear Roger Oster:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: famoster [mailto:famoster@softcom.net]
Sent: Wednesday, June 02, 2004 6:55 AM
To: Susan Hitchcock; Keith Land; Larry Hansen; John Beckman; Emily Howard
Subject: Wal Mart

Well another small business is closing (Cottage Bakery). With Togo's and Alexander's closed, it seems the small business owners really want our business. This shows the general public just what small business really wants. They have higher prices and if the public does not pay them then they close. Let Wal Mart build their superstore. We need a place to shop for better prices, and the city need the income from sales taxes.

Roger Oster

6/2/2004

Jennifer Perrin

From: Susan Blackston
Sent: Wednesday, June 02, 2004 7:16 AM
To: 'Jeffrey Henderson'
Cc: City Council; Dixon Flynn
Subject: RE: Large Scale Retail Initiative

Dear Jeff and Susan Henderson:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the City Manager for informational purposes.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: Jeffrey Henderson [mailto:jeffrey-henderson@sbcglobal.net]
Sent: Tuesday, June 01, 2004 8:42 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: Large Scale Retail Initiative

Dear Council Members;

We would like to request that you would please place the Large-Scale Retail Initiative on the November ballot. We believe that as a council you would act in the best interest of the City of Lodi if you make any corrections needed, as requested by the Small City Preservation Committee, so that the city would not have to bear the expense of an unnecessary special election. We feel that the citizens of Lodi have united to make their voices heard in this issue and that you have the responsibility to act in their best interest.

Respectfully yours,
Jeff and Susan Henderson
2639 Alder Glen Drive
Lodi, CA 95242
369-0560

Jennifer Perrin

From: Susan Blackston
Sent: Wednesday, June 02, 2004 7:19 AM
To: 'jenn_matt@sbcglobal.net'
Cc: City Council; Dixon Flynn
Subject: RE: Big Box

Dear **Matthew Lorentzen**:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the City Manager for informational purposes.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: jenn_matt@sbcglobal.net [mailto:jenn_matt@sbcglobal.net]
Sent: Tuesday, June 01, 2004 8:56 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: Big Box

I find it ironic that so many of Lodi's residents that moved here in the 1950's because Lodi had reasonable housing and was a nice community could not afford to do so today unless they commuted out of town for a job. Don't let Lodi remain stagnant for the 40 year old and older crowd. The American way is honest American business and growth, including "Big Box." The up and coming families need a full service community with full services, not just a boutique city where we always have to drive everywhere for services.

In reference to the ballot initiative, the people voted for you so you could make the tough decisions. If we wanted decisions such as these to always be put on the ballot, we wouldn't need a city council, just a monthly election so all voters could make all decisions. The group against "Big Box" is obviously poorly organized and didn't do their research. This will be a good learning experience for them. However, the city council is not in place to bail them out after their poorly written and discriminatory agenda.

Matthew Lorentzen
One S. Sunset Dr.
Lodi, CA

339-9298

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, June 01, 2004 4:04 PM
To: 'Julie Cantrell'; Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: Correct Error on Initiative

Dear Julie Cantrell:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Julie Cantrell [mailto:jcantrell@freemanfirm.com]
Sent: Tuesday, June 01, 2004 3:17 PM
To: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Subject: Correct Error on Initiative

Dear Council Members:

I would like to voice my support for the council using its power to correct the error on the Initiative presented by The Small City Preservation Committee. I am unable to attend the meeting scheduled for June 2, 2004, but would like you to know how I feel. I believe it is important that this issue be addressed by the voters of the community and it should be on the ballot for this November's election.

Thank you very much,

Julie Cantrell
726 Dorchester Circle
Lodi, CA 95240

Jennifer Perrin

From: Marjorie J. Tiernan [mjtiernan@gotnet.net]
Sent: Tuesday, June 01, 2004 1:49 PM
To: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land
Subject: initiative

Please correct the error on the initiative (re super center) and save the city dollars.

Thank you,

Marjorie J. Tiernan
1145 Junewood Dr.
Lodi, 95242

Jennifer Perrin

From: Susan Blackston
Sent: Tuesday, June 01, 2004 11:10 AM
To: 'Evan Stone'
Cc: City Council; Dixon Flynn; Rad Bartlam; Steve Schwabauer
Subject: RE: Growth Limits

Dear Evan Stone:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

From: Evan Stone [mailto:ESTone@netmansolutions.net]
Sent: Tuesday, June 01, 2004 11:04 AM
To: John Beckman; Susan Blackston; Larry Hansen; Susan Hitchcock; Emily Howard; Keith Land
Subject: Growth Limits

Esteemed Council Members;

After months of listening and reading about growth issues in the City of Lodi, particularly the building of the WalMart Super Center, I feel it's time to add my two-cents to the debate.

My greatest concern at this point is not whether the Super Center is built or not, it is the potential for our City to become like the state and federal governments, where decisions end up being made at the judicial level, by one person or a very small group of officials, whose job is to uphold and enforce the law, not interpret it.

As much as I appreciate the need for citizen input on issues such as this, we have elected you to make these decisions for us. I don't need to remind you that we live in a Democratic Republic, thereby eliminating the need for votes by the people on every issue that comes up. For the people of Lodi to decide to place a limit on the size of retail establishments in the year 2004 would be a mistake, simply because, inevitably, in the year 2008, or 2010, or somewhere down the road, the numbers just won't make sense anymore. Then we end up with lawsuits that place the issue in the hands of judges who frankly, should have no say in the matter.

I encourage you to gather as much input from the citizens and business people of Lodi as possible, and then make a decision base solely on this issue. Not whether a limit should be applied, but whether building a WalMart Super Center is best for the community. And then evaluate each successive project on it's own merits. We've seen already how limits can create problems for other businesses such as car dealerships. Let's not dig ourselves a hole that we can't get ourselves out of in the future.

Again, we've elected officials to make these kind of decisions for us. Between the Council and the Planning Commission, there is enough intellectual prowess to make a good, solid decision that the citizens of Lodi can live with.

Respectfully,

6/1/2004

Evan Stone
1928 Millbrook Dr.
Lodi, CA 95242



RECEIVED
2004 JUN -1 AM 11:11
CITY CLERK
CITY OF LODI

Mayor Hansen & City Council;

I am not in favor of a lot of big box business but we are building and building new homes and big boxes will come.

I feel that the Wal- Mart Supercenter is not a bad idea, why shouldn't we get the revenue from it? I personally don't shop at one store (grocery. hardware, ect} I shop where it is convenient. Stop and think there are plans in the works to build approximately 1700 new homes to the south of the proposed Supercenter Building these homes is going to increase the traffic by at least 1700 cars a day plus increase the overcrowding of our schools, If you want to build more homes then build some SENIOR apartments that will rent based on their income. Two main reasons for this is our seniors need places where they can live within their income, these homes shouldn't increase the amount of cars that much plus help our schools to provide good education without overcrowding.

Thank you for taking the time to read this;

Sincerely;
Cheryl Nitschke
532 Louie Ave.
Lodi
339-9327

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, June 01, 2004 10:34 AM
To: 'Solo Sales'
Cc: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard; Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: Wal-Mart

Dear Jon Withers:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Solo Sales [mailto:solosales@softcom.net]
Sent: Monday, May 31, 2004 5:57 PM
To: editor@lodi news.com
Cc: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Howar@lodi.go
Subject: Wal-Mart
Importance: High

May 31, 2004

Open letter to the Lodi City Council

A mailer recently was in my mail box from someone calling themselves "The Small City Preservation Committee", I had two immediate reactions: the first anger at such a Threat; next a fear of the ability of groups such as this that presumed power enough to use terror (of financial diminishment) as a weapon. I assume this was a blanket mailing, however, if you were fortunate enough not to be sent one I will paraphrase the message which stated their petitions were now worthless and they wanted the residents to call the City Council members and ask them to pull the groups chestnuts out of the fire and if we did not then they would call a special election at a cost of "almost \$100,000.00" to the city.

Sounds to me like a page out of a terrorists handbook rather than a "group?" trying to preserve Lodi.. As there was no time to respond to this group, whose only contact given is a Woodbridge Post Office box, I decided to see if anything was on the internet. I urge every Council person to do the same before making any decisions. I did find identical verbiage to some recent letters to the Sentinel (i.e. S. F. Chronicle 10/23/03 article by Ruth Rosin). Searching further I found that there is a possibility that the grocers union in California has orchestrated this whole protest.

What I would like the Council and Citizens to also consider is the fact that every sixth person living in Lodi does so below the poverty level. (17.7 % of the population. see 2002 census figures). I think this large contingent of residents need be considered in this Decision.

I also would like the City Council to be sure of the motivations of any rump groups trying to direct the future of Lodi and trying to by-pass due process through political pressure. Normally "Committees" are appointed. What vested authority appointed this one?

Caution and clean hands need to be your guide lines, not smoke and emotion.

I would also like to point out the we citizens have been subjected to a lot of inaccurate, twisted information. I offer as example of Wal-Mart Super Centers pushing the Mom and Pop stores out of business.. That was already accomplished by corporate such as Safeway (1,830 stores,) . long ago. Albertson's (2300 stores), Kroger's, who have Food4Less, Fry's and Ralph's and is so big that they boast that one of their enterprises is in every neighborhood. Even newcomer, Raley's has 130 stores that stretch into New Mexico

No doubt Wal-Mart is big, however a union with 250,000 members in California is also .

It looks like the City is a pawn in a big power struggle and we need to check it out before we accede. I certainly don't know any answers and the only fact I know is I am not sure that I am being supplied truthful information and I don't think you as a Council are in any better shape.

Jon Withers
2448 Corbin Lane
Lodi, CA 95242

334-5040

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, June 01, 2004 8:29 AM
To: 'Marcia Savage'; Emily Howard; Keith Land; Susan Hitchcock; John Beckman; Larry Hansen
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: Wal-Mart Welfare

Dear Marcia Savage:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Marcia Savage [mailto:ms1599@comcast.net]
Sent: Tuesday, June 01, 2004 7:33 AM
To: Emily Howard; Keith Land; Susan Hitchcock; John Beckman; Larry Hansen
Subject: Wal-Mart Welfare

Thank you all for your attention to this issue.
Marcia Savage
Lodi

Wal-Mart Welfare

David Sirota, Christy Harvey and Judd Legum, The Progress Report
May 28, 2004
Viewed on June 1, 2004

A new report [PDF] released from Good Jobs First this week shows that Wal-Mart, the world's largest retailer, has received more than \$1 billion in economic development subsidies from states for its stores and distribution centers. The subsidies have come as many states are forced by White House tax cuts and reductions in federal grants to make tough budget decisions. A report by the Center on Budget and Policy Priorities shows states are cutting subsidies for publicly funded health insurance, child care, federal employment, both higher and lower education, and programs aimed at public safety and people with disabilities -- all this while ponying up taxpayer dollars to subsidize a retailer that took in more than \$200 billion in revenue and netted nearly \$9 billion in profits last year, even as it paid workers near-poverty wages, drove out local businesses and violated environmental regulations.

A key justification for corporate subsidies is the idea that a large project will expand overall business in an area; Wal-Mart executives tout their stores as a positive economic force in the community. But the Good Jobs First report argues that, unlike factories which add jobs and export products outside the region, big chain retailers like Wal-Mart "do little more than take revenues away from existing merchants and may put them out of business and leave their workers unemployed. It's quite possible that a new Wal-Mart will destroy as many (or more) jobs than it creates." And "since many Wal-Mart [jobs] are lower-paying and part-time, they will do less to stimulate the economy." Philip Mattera, research director of Good Jobs First, says Wal-Mart's "negative effect on small businesses in the communities where it locates and its contribution to urban sprawl and traffic raise serious questions about the value of giving it sizable financial incentives to expand."

A new USAction report highlights Wal-Mart as a leading advocate for new legislation "designed to kill the use of class action lawsuits, which have resulted in decisions that...provide refunds to consumers and others injured by corporate

wrongdoing." The legislation would move class action lawsuits out of state courts, where they have been historically more likely to be successful, and into "defendant-friendly federal courts." The reason Wal-Mart is so excited about the legislation? According to legal analysts, "Wal-Mart is sued more often than any American entity except the U.S. government." The report points out courts in four states have recently certified class action lawsuits involving over 330,000 workers. "By contrast, three federal courts have declined to certify class actions against Wal-Mart for unpaid worker hours." The company's effort to stop workers from challenging their abuses has at least one high-profile backer: Vice President Dick Cheney. In a visit to Wal-Mart's headquarters last month, he trumpeted "litigation reform" as the way to cure America's economic ills.

The Chicago Tribune reports the Windy City has become the newest front "in a sprawling North American struggle between a behemoth company and a union fearful for its future." As Wal-Mart spokespersons take to the streets to convince Chicagoans that two new stores will "'raise the standard of living' for Chicago's working class," a loose coalition of local aldermen and organized labor is "calling up all available manpower to make its case before the City Council's expected decision Wednesday on whether to grant zoning approvals to Wal-Mart for the stores." The 1.3 million-member United Food and Commercial Workers union (UFCW) is leading the battle, charging "the retailer's low-wage ways will encourage other businesses to follow suit, to the detriment of millions of workers, both union and non-union." The UFCW's fears are justified: in Southern California, the news that 40 Wal-Mart superstores would be opening in the area caused a Supermarket Strike when three chains announced they "had no choice but to cut pay and benefits drastically."

The UFCW, Commercial Workers Union and other Wal-Mart critics in Chicago have presented Wal-Mart with a Community Benefits Agreement that would legally bind the corporation to a dozen demands, under penalty of fines. The demands include "Allowing employees to form a union and agreeing to permanently forgo tax breaks or other government subsidies in Chicago," as detailed in the Good Jobs First Report. So far, Wal-Mart executives have refused to sign.

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Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, June 01, 2004 8:27 AM
To: 'marcia'; Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: Wal-Mart Can Attract Revenue -- and Crime

Dear Marcia Savage:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: marcia [mailto:ms1599@comcast.net]
Sent: Sunday, May 30, 2004 8:21 AM
To: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Subject: Wal-Mart Can Attract Revenue -- and Crime

Mayor Hansen, Vice-Mayor Beckman, Council Members Hitchcock, Land and Howard.
I guess there is always a good side and bad side to everything. Thank you for reading this.
Marcia Savage
316 E. Elm St.
Lodi

 latimes.com

<http://www.latimes.com/news/nationworld/nation/la-adna-walmart30may30,1,4079673.story?coll=la-headlines-nation>

THE NATION

Wal-Mart Can Attract Revenue -- and Crime

Some small police forces find that the giant retailer can be a magnet for DUIs, shoplifting and other illegal acts.

By Alexandria Sage
Associated Press Writer

May 30, 2004

HARRISVILLE, Utah — For the tiny police force in this bedroom community, the south end of town never caused much bother. Horses grazed in the green pastures, and for years, two solitary bars provided the only late-night distractions for those who needed something to do.

That was before early 2001, when Wal-Mart opened a 24-hour Supercenter that swallowed all 212,000 square feet of rural fields.

Since then, police in Harrisville, population 4,000, about 45 miles north of Salt Lake City, have been forced to confront big-city realities.

The most serious incident happened in the store in January, when an officer shot and wounded a man who pointed a fake gun at him.

As the world's largest retailer puts its stamp on rural communities, some towns are discovering that while the 24-hour big-box store may bring financial benefits, they go hand in hand with an unintended consequence: the increased burden on law enforcement.

In three years, calls to Harrisville police jumped by a third. The department hired two more officers — bringing the total to six — and the court schedule was extended to allow the city prosecutor time to negotiate pleas.

Wal-Mart's vast parking lot, where more than half the investigations for driving under the influence originate, is patrolled overnight. Drug DUI arrests outnumber those involving alcohol more than 2 to 1.

"Our DUIs skyrocketed. It just went through the roof," Officer Nate Thompson said on a Friday night when more than 100 cars remained in the parking lot after midnight.

The problem is apparent 15 miles away in Clinton, a town of 18,000 whose size nearly doubles each day because of the Supercenter, one of Wal-Mart's 19 discount store-supermarket hybrids in Utah and 1,400 nationwide.

"You just about name it," Police Chief Bill Chilson said. "Shoplifting, fraud scams; we've had DUI, traffic accidents, medical situations. We haven't had any shootings yet."

There was even a domestic violence arrest after the store's surveillance cameras captured a man punching his wife.

Before Wal-Mart opened, Chilson asked neighboring police what to expect. "They laughed at me," he recalled. A judge from another town asked him: "Have you been Wal-Mart-ized yet?" before recounting how his courtroom had been "inundated" by crimes originating at the store.

In some towns nationwide, law enforcement agencies have even opened substations in the store to better respond to the increased activity.

The Bentonville, Ark.-based retailer says it works closely with police on crime-prevention measures, including staff training and community outreach. Each store has undercover security, many of them former officers.

A representative denied that Wal-Mart brings increased crime and attributed any extra police

calls to the store's aggressive policy toward shoplifters.

"You're going to see an increase in reporting of shoplifting calls and that goes back to our policy of zero tolerance," spokeswoman Sharon Weber said.

Wal-Mart is a "social gathering place," but it's unfair to blame the store for the actions of a few, she said. "We trust that our customers will be responsible and polite, and for the most part, we have wonderful customers who do that."

Although the stores have been criticized for attracting traffic, creating low-wage jobs and destroying neighboring businesses, the effects on local police have drawn little attention.

"Within the last few years, we've seen a growing number of towns around the country that accept this kind of big-box sprawl and discover afterward that they're really quite costly from a public service standpoint," namely policing and roads, said Stacy Mitchell, a senior researcher with the Minneapolis-based Institute for Local Self-Reliance, a nonprofit research and educational organization.

Wal-Mart attracts loiterers with nothing better to do, some critics say.

"Kids are just plain bored — they find more things to do there," said Alice Brando, a clerk for the Lakewood-Busti Police Department in western New York's Chautauqua County.

"It's obvious that it's going to add more calls, more people, more traffic, more accidents. I mean, it doesn't take anyone in law enforcement to figure that out," said Sheriff Eddie Cathey of Union County, N.C., who planned to address the issue at a county planning board meeting.

Chief John Slauch of the West Sadsbury Township Police Department in rural Pennsylvania made his own observations after Wal-Mart became the anchor store in a new development in 2002.

"We saw a significant increase in crime and incident calls for service from the day Wal-Mart opened," he said.

Misdemeanor crimes jumped 55% from 2001 to 2003; calls for service increased 57% from 2002 to 2003.

Municipal taxes don't cover the extra costs incurred by the eight-member police force, Slauch said.

"I really don't think Wal-Mart is concerned with what happens on the local level; they're concerned with how much money they're making," he said. "They're not looking at the burden they're creating."

But the problem is not felt everywhere. The majority of the more than 30 small to mid-sized agencies around the country interviewed said they were able to effectively handle the extra workload that Wal-Mart brought. Six reported no corresponding crime spike and only negligible increases in calls to police.

Overwhelmingly, police chiefs defended Wal-Mart as an asset that helped law enforcement.

They said it provided full access and information for investigations and grants to fund police projects — to say nothing of the tax benefits to the city.

"Thank goodness for Wal-Mart, that's all I can say," Harrisville Mayor Fred Oates said. "Any mayor in the United States who had the opportunity would be glad to have a Wal-Mart."

Harrisville earns about \$60,000 in monthly sales taxes from Wal-Mart, Oates estimated. That figure will jump 40% after an access road to the store is paid for out of sales tax revenue this year.

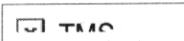
Thompson and Police Chief Max Jackson also defend Wal-Mart as "good partners." The store donated funds for a bike patrol program, firearms, computers in patrol cars, and training materials and equipment.

Still, Jackson recognizes the significant effect it has on small police agencies, and intends to discuss it at the next board meeting of the National Center for Rural Law Enforcement.

As for Thompson, the added work produced an unexpected bonus. In 2002, he was named Utah Peace Officers Assn. officer of the year.

"It was based on the amount of arrests I made — basically because of Wal-Mart."

If you want other stories on this topic, search the Archives at latimes.com/archives.



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Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, June 01, 2004 8:17 AM
To: 'LBENANDCAROLYN@aol.com'; Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: INITIATIVE ON RETAIL BUSINESS SIZE LIMITS

Dear Ben & Carolyn Sanacore:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: LBENANDCAROLYN@aol.com [mailto:LBENANDCAROLYN@aol.com]
Sent: Monday, May 31, 2004 10:40 AM
To: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Subject: INITIATIVE ON RETAIL BUSINESS SIZE LIMITS

2324 W. Tokay Street
Lodi, CA 95242-3600
(209) 368-6725
May 31, 2004

Lodi City Representatives
(Mayor & Council)
City of Lodi
Lodi, CA

Dear Lodi Representative:

We have been following the developments regarding the issue of retail business size limits in Lodi for quite some time now. It is very clear that this issue is important not only to us but the rest of the community, and all voters in Lodi deserve to be heard on the issue.

At a time when government budgets are extremely thin, we are now **VERY CONCERNED** that an expensive special election may be needed to correct an oversight in the drafting of a ballot initiative on retail business size limits. If the city council may intervene to work with the Small City Preservation Committee to help place an improved initiative on the November ballot and avoid the additional expense of a special election, then we **VERY MUCH** urge you to do so.

Lodi, like many other communities across the country, stands at the crossroads on how it wants to live in the future. We encourage you to be instruments of democracy and allow the people to be heard, regardless of their position on the issue and in a cost effective manner.

Thank you for your service to our community and your attention on this crucial issue.

Very truly yours,

Ben & Carolyn Sanacore
Home Owners and Residents
of Wonderful Lodi

6/1/2004

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, June 01, 2004 8:14 AM
To: 'kdschimke@netbos.com'
Cc: City Council; Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: FW: Superstore

Dear Terry Schimke:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: kdschimke [mailto:kdschimke@netbos.com]
Sent: Sunday, May 30, 2004 4:12 PM
To: Larry Hansen; John Beckman; Susan Hitchcock; Keith Land; Emily Howard
Subject: Superstore

May 30, 2004

Dear City Council Members,

I recently received a notice in the mail from "The Small City Preservation Committee" and would like to voice my opinion on this matter.

I am very much in favor of having a Wal-Mart Superstore in Lodi.

First of all, I see the revenue that the Superstore will bring to the City. If Lodi doesn't allow it to be built in the City, like William Harris stated in his letter to the Editor in the May 26th edition of the Lodi News Sentinel, they will build it elsewhere and who will get the revenue then? Plus the City could possible lose the revenue they currently are receiving. I have family that lives in Stockton who travels to Lodi to shop at Wal-Mart.

Second, they say they are concerned about the little guy. No one seems to be concerned about the Mom & Pop Hispanic stores located on the Eastside. We have numerous, but no one is trying to stop the new "bigger" market on Cherokee Lane. Oh, this is the Eastside!

Third, I've thought for along time why is everyone fighting over the corners on Lower Sacramento Road. First it was Lowe's and now Wal-Mart, but saying nothing about the "**Big**" dealerships to spring up east of Hwy 99. I drive past the future home of Plummer Pontiac twice a day. You don't think that isn't congestion waiting to happen. It's hard enough in the mornings now driving Kettleman Lane from Wells to Cherokee, can you imagine what it will be like then? Oh, this is the Eastside! But to me that is progress. We are no longer in the horse n' buggy days. Lodi isn't a "Small" town any longer.

Where were these "concerned" citizens when we had the Mom & Pop stores (corner of Pine & Church, North Church St., Locust St. & Hutchins, Sell-Rite and Top Valu) to stop Raley's, S-Mart, Bigger Safeway and Albertson's? Not to mention the Big Warehouses (Mondavi & Vaz) on the Eastside. Oh, again something on the Eastside that no one was concerned with size. But the "Big" stores on those corners are sure bother people.

Several people are trying to find fault, whether it be the daytime stocking or the "For Sale" vehicles to the employee training. No matter what business you go into if you want to find something to complain about you can. Look how long it took the City to resolve the "For Sale" vehicles on the public streets.

Wal-Mart plays an important part in our community not only for shopping, but what they give back to the community. I'm on the Committee for Lodi Relay for Life, which will be held on June 5th and 6th at Lodi High. Wal-Mart has contributed \$3,500 to this cause and will have two teams out there with each member collecting donations. They also have donated numerous other items. Has any other retailer provided this much support for this cause in the last two years that it has been held? **NO**. The Store Manager, Mike Folkner, spent the full 24 hours out there last year and plans on doing the same this year. This is just one example of how Wal-Mart has contributed to the community.

The citizens of Lodi and the surround area must like Wal-Mart, because no matter what time I'm in there it's busy.

Please stop and think hard about this before you say "NO" to a Superstore.

Terry Schimke

Jennifer Perrin

From: Jennifer Perrin
Sent: Tuesday, June 01, 2004 8:09 AM
To: 'Martin Church'; Keith Land; Emily Howard; Susan Hitchcock; Larry Hansen; John Beckman
Cc: Dixon Flynn; Janet Keeter; Steve Schwabauer; Rad Bartlam; Susan Blackston
Subject: RE: Attempt to Place Restrictions on the "Free Enterprise" System of America

Dear Martin L. Church:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) Interim City Attorney, and 3) Community Development.

Thank you for expressing your views.

/s/ Jennifer M. Perrin, Deputy City Clerk

-----Original Message-----

From: Martin Church [mailto:church@softcom.net]
Sent: Monday, May 31, 2004 8:24 PM
To: Keith Land; Emily Howard; Susan Hitchcock; Larry Hansen; John Beckman
Subject: Attempt to Place Restrictions on the "Free Enterprise" System of America

Members of the Lodi City Council: Mayor Larry Hansen
Vice Mayor John Beckman
Councilperson Susan Hitchcock
Councilperson Keith Land
Councilperson Emily Howard

Reference to the half page advertisement in the Lodi News-Sentinel, page 11 on Saturday, May 29, 2004.

I am neither for nor am I against the "Super Wal-Mart" under consideration for the City of Lodi. However, I am totally against the Small City Preservation Committee asking the Lodi City Council for intervention to correct/or change their ill conceived petition. This demonstrates that this group is only against "Wal-Mart" building a larger store. They have already admitted their biases by stating that their "OVERSIGHT" would also affect car dealerships. If they truly believed that very large businesses are detrimental to what has been called, "Loveable, Livable, Lodi", they would be against "ANY" large business enterprise, including car dealerships and would want to limit "ALL" businesses to a predetermined size. This approach is totally un-American.

America's greatness was founded on the success of the "Free Enterprise" System. The business world is certainly changing as it has from the early days of America, the only difference is the speed modern technology has added to the process. Entrepreneurs have ventured out into the business world seeking their fortunes and willing to take the risks associated with their ventures. Some have been great successes while others have failed and this will always be the case in our competitive market places. Those willing to take the risks should not be limited by a "FEW", who appear to be disgruntled citizens wanting to "IMPOSE" their biased wills on the size of any business wanting to do business in Lodi. As former President Truman once said, "If you can not stand the heat, get out of the kitchen." This statement is equally applicable to the American business world.

While I support their right to petition for change, I do not support their request for the City Council of Lodi to intervene in the process that they have undertaken. The very nature of this group asking only to limit the size a one specific business demonstrates their desire to be "Dictators of Those in Business". Further, for this group to seek intervention by the governing body of Lodi, to correct their "OVERSIGHT" further indicates that their plan was only conceived as an "ANTI-WAL-MART" concept.

In view of the obvious hostilities this group has toward one specific business, please do not provide them with any assistance in "Correcting", what they are calling an "OVERSIGHT." Their request appear to be nothing more than an attempt to gain, what is perceived to be, a favorable official endorsement from the Lodi City Council. This is nothing more than "Socialism" at work to dilute a Democracy that has succeeded for over 2 centuries, based on the free enterprise system.

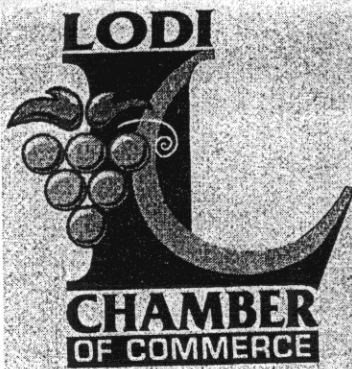
Please do not set a precedence by becoming involved with this ill conceived petition.

Sincerely,

Martin L. Church
BS in Business Management
369-7381

Options:

- City Council omits the “outside retail areas” wording and City agrees to place the revised initiative on the November ’04 ballot
- Council declines to place an initiative on the November ’04 ballot and Small City Preservation Committee moves forward with a Special Election or keeps the wording “as is” for the November ’04 ballot
- Council rewrites the initiative to place the election before the Environmental Review process and simplify the operative language



RECEIVED

JUN 02 2004

City Clerk
City of Lodi

CITY CLERK'S NOTE:

The highlighted article pertains to

Item I-4

on the June 2, 2004 Council agenda.

BUSINESS

www.lodichamber.com June, 2004

Volume XII No. 6

Meet With Lodi Business Owners

And have a lot fun
doing so!

FRIDAY, July 23rd...Save that Date!
The Chamber's Member BBQ & Business Showcase is moving from the hot streets of downtown to the cool shade of Micke Grove. The last three Chamber BBQs have had 500 to 600 business people in attendance. The Chamber will send out 2 tickets to you, additional tickets for employees their spouse / significant other can be purchased for \$10. This price includes a parking fee for the county.

The price also includes a "pitch til you win" meal including Lockeford Sausage, Miller Hot Dogs, Hamburgers, lots of salads, etc., etc. Yes we will have great live music, lots of it. In fact there is exciting news about this music, but we can't say at this time. Check next month's Lodi Business.

The BBQ has been combined with the Business Showcase, formerly

See Meet Continued on page 2

Your No Cost New Customer Program

Have you signed up in the Chamber's **Member-to-Member** discount program yet? We will be launching it in just a few weeks. Think of it as a NEW customer generation program, anybody need new customers? Sure we all do. Follow along with this logic.

The Lodi Chamber has over 750 members and more are joining everyday. Most of those businesses have employees, some quite a few. Add the member employees all up and the number is in the thousands! Each one of those employees will be given a Members Only Discount Card because their employer is a Chamber member in good standing. When the employee shows the card to a participating Chamber member, the employee will receive the stated discount, which is why they came to the store...maybe for the first time, or instead of the competition's store or business.

See New Continued on page 3

Please, City Council... Just say NO!

The Small Town Preservation Committee is putting "it" back in the City Council's lap. "It", is the hot potato of anti-super-sized retail. The flawed initiative written by the group, at first did not include the very 55 acres of zoned Shopping Center parcel the measure seeks to block...oops!

After saying no to Council's help on a redraft, the group oops... again by learning their measure would quite negatively impact auto dealerships wanting to expand or build new. Seems their measure includes selling from one's own parking lot, a real no-no in their eyes. At the most recent Council meeting the Chamber pointed out that if the Council decides to "fix it" for the group, meaning rewrite the initiative and then Council place it on the November ballot themselves. The Council needs to be very specific in their own redraft.

See Say NO Continued on page 2

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Workers Comp Corner page 4

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June Calendar page 8

Stars are On-Line

The first 15 **STAR** (Students Trained and Ready), graduating students are looking for work. They all have completed special training in ethics, social / relational skills, extra math and computer training, communication skills, goal setting and working on a team. Over and above these they have had 95% attendance, and have had an intern work experience.

A 3-person panel of chamber business folks interviewed each STAR. We want to thank Steve Templeman, Lodi Industrial Group, Becka Schumacher of Delta Radiology, Judy Simon of Lodi Memorial Hospital, and James McKeon of Lodi Primary Care. After successfully completing all the requirements, including the interview the STARS were awarded

a certificate from the Chamber.

This year all 15 STARS were female and all seeking positions in Health Care. The STARS appear on the chamber website at www.lodichamber.com Click on the JOBS button and the STARS page will pop-up.

Health Care employers looking for an entry-level front office or back office Medical Assistant look no further. We have the cream of the crop waiting for you at our website. Remember these are people who are serious about getting a good job. They have made it all the way through the process, they are STARS...don't miss them.

For more information call Pat at the Chamber office, 367-7840 x104.

us do business? Who knows?

Who are these people? What have they done to BUILD the community? How much has their group given to charity? How much has this group cost the city already in lost sales tax by slowing development like the Lowes project, and potentially the Wal-Mart project? What business thinking of coming to Lodi is going to go to the political cost and trouble to launch an election before they even buy the ground? Plus if this small group forces a special election, add another \$100,000+ to taxpayer's cost of the small committee trying to stop economic growth in Lodi. Why does the City Council put up with this?

Meet Continued from page 1

held in May. We are going to have at least 50 businesses on display, showcasing their products, goods or services. Many of them, if not all will have a door-prize drawing for a gift basket, or something from their business. So, you could be a big winner quite easily, not to mention have a great time with a whole lot of great people.

To have a display at the Showcase, contact the Chamber. Showcase display areas will be sold by: the ½ table for \$50 and a whole 8-ft. table for \$85. If you have a large panel display, like those used at trade shows, bring it and remember it's a BBQ, so dress for a comfortable evening.

Again, the event is at the Delta Pavilion out at Micke Grove Park, Friday, July 23rd. We will start serving dinner at 6:00 pm, and have a good time until 9:00 when the park closes. Each business member will receive TWO tickets, at no charge. For additional tickets (\$10 each), or information on how you can display your business at the BBQ / Showcase call the Chamber office, 367-7840 x100.

Say NO Continued from page 1

If the group's rewritten initiative does exclude auto dealerships but not furniture stores, feed stores and drug stores, and who knows what else might crop up in the future? Isn't that discrimination? All of these are sizeable retail concerns whose expansion + parking lot sales or like type merchandising might exceed the 125,000 square foot limit. We insist the City Council exclude all businesses that could be restrained unfairly. The chair of the Small Town Committee was quoted in the *News Sentinel* after learning of the hardship placed on auto dealerships said, "Honestly, we weren't thinking that car dealerships would be affected. Our concern is preserving local business."

We're quite sure the statement is true, they honestly weren't thinking. Certainly not about the negative impact on other Lodi businesses. From all indications they still aren't. They are seeking to dictate outdoor merchandising restrictions as well as the size of large retail. What else would they like to change about the way some of

The entire city elected the Council to weigh factors and make decisions; we encourage them to do so in this matter. Don't be the Council that gives Lodi an anti-business reputation to the outside world. But if you do decide to rewrite the small group's work...be so specific in rewriting the initiative that no type of merchant's business be unfairly restrained except for one very **big** one. Is that discrimination? If so, Lodi may need to hire more lawyers.

CHAMBER STAFF

Pat Patrick	President/CEO
Marilyn Storey	Director of Operations
Sandi Somers	Administrative Assistant
Ray Crow	Administrative Services

Lodi Business (USPS 123-410) is the official publication of the Lodi District Chamber of Commerce, 35 S. School Street, Lodi, CA 95240. (209)367-7840. Published twelve times each year. Periodical Postmaster Postage Paid at Lodi, CA. Postmaster: Forwarding and Address Correction Requested to Lodi Business, 35 S. School Street, Lodi, CA 95240; \$15 annual subscription. Additional Entry: Business Mail Entry, 3131 Arch Airport Rd., Stockton, CA 95213-9840